(c) whether Government are considering to bring an amendment in view of the increasing number of pending criminal cases in the courts due to witnesses turning hostile resulting in acquittals in most of the cases?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI P.C.THOMAS): (a) The impact of amendment to Civil Procedure Code effected in July, 2002 has not been assessed yet.

(b) Does not arise.

(c) The Law Commission in its 178th Report has recommended insertion of Section 164(A) in the Code of Criminal Procedure with a view to preventing the evil effects of witnesses turning hostile.

The Report has been referred to the State Governments for their comments as the Criminal Law and Criminal Procedure Code are in the Concurrent List of the Constitution of India. Implementation of the recommendation is subjected to receipt of the comments from the State Governments, introduction and passage of an amendment bill in Parliament for which no time-frame can be fixed.

Improvement in judicial system

†828. SHRI KAPIL SIBBAL: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is a fact that there is a need to make comprehensive improvements in the judicial system of the country;

(b) if so, Government's reaction in this regard;

(c) whether it is also a fact that Government have received several suggestions in the past for this purpose; and

(d) if so, the suggestions received and the action taken by Government so far to implement these suggestions?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI P.C.THOMAS): (a) Yes, Sir.

(b) The canvas of judicial reforms is very wide, encompassing wide spectrum of issues concerning different departments of the Government.

†Original notice of the question was received in Hindi.

A series of steps have been taken by the Government on the front of judicial reforms. High Courts have been requested to implement the recommendations of the Malimath Committee to streamline procedure which will, *inter-alia,* expedite disposal of pending cases. Government have also been constantly reviewing the accumulation of arrears in courts. Besides reviewing and increasing judge strength of High Courts every three years, Government have encouraged alternative modes of dispute resolution including conciliation, mediation and arbitration. Special tribunals like Central Administrative Tribunal, State Administrative Tribunals, Income Tax Appellate Tribunal, Labour Courts, Consumer Courts etc., have been set up to expedite the disposal of cases. Information Technology is being used in generation of causelists, providing information to the litigants/advocates etc., for speedy disposal of cases. A pilot project has been started for networking and computerisation of city courts in the four major metrocities of Delhi, Chennai, Kolkata and Mumbai to serve as a model. The project is aimed at augmenting capacities of courts and speeding up their disposal through better court management with the help of information technology.

Civil Procedure Code has been amended and the amendments have been brought into force with effect from 1.07.2002 which, *inter-alia,* limit the number of adjournments which can be granted to a party to three, provide for speedy process service by speed post, courier services, fax or e-mail, authorise the court to fix time-limit for oral arguments and provide for a number of other measures aimed at ensuring expeditious disposal of cases. Permanent Lok Adalats are being set up for expeditious resolution of disputes relating to public utilities.

Under the Centrally Sponsored Scheme funds have also been provided for the use of information technology in the High Courts. Fast Track Courts have been set up to speed up the trial of delayed cases, and in particular the cases of undertrials who have been in jail for a long time.

State Governments and Union Territories have been requested to fill up vacant posts of Judges/Magistrates and supporting staff in District/ Subordinate Courts.

(c) and (d) Suggestions for improvement in the judicial system of the country are received from time to time and these are considered by

the Government on their merits. Such suggestions relate to, *inter-alia*, speedy disposal of cases, appointment of Special Judicial Magistrates, creation of Fast Track Courts, establishment of more Family Courts and setting up of tribunals etc. The action taken by the Government have been enumerated in reply to Part (b).

Corruption charges against judicial officers

829. SHRI SWARAJ KAUSHAL: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) the number of judicial officers facing charges of misconduct and corruption as on 1st January, 2003; and

(b) the number of judicial officers dismissed/removed for misconduct and corruption during the last five years?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI P.C.THOMAS): (a) and (b) Under article 235 of the Constitution of India, the administrative control over the members of Subordinate Judicial Service vests with the concerned High Court. Further, in exercise of powers conferred under proviso to article 309 read with article 233 and 234 of the Constitution, the State Government frames rules and regulations in consultation with the High Court. As regards action against judicial officers on account of misconduct and corruption, the disciplinary control lies with the concerned High Court. The Central Government, therefore, does not maintain any statistical data on this.

Foreign lawyers to practice in Indian courts

830. SHRI KALRAJ MISHRA: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether despite strong resistance from the Bar Council of India (BCI) Government have expressed their willingness to the World Trade Organisation to allow foreign lawyers to practice in Indian courts on a reciprocal basis under the General Agreement on Trade and Services (GATS);

(b) if so, what were the main objections of the Bar Council of India; and